



THE SCHOOL DISTRICT OF ESCAMBIA COUNTY

75 NORTH PACE BLVD.
PENSACOLA, FL 32505-7965
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<http://www.escambia.k12.fl.us>
MALCOLM THOMAS, SUPERINTENDENT

April 18, 2016

Re: In the matter of Request for Review by the School District of Escambia County of Decision of Universal Service Administrator for CC Docket No. 02-6 of USAC Form 471 Application #1017783, FRN #2762622.

BEN #127641
Escambia County School Dist.
75 North Pace Blvd.
Pensacola, FL 32505

Contact information:

Keith Lech, klech@escambia.k12.fl.us; 850-469-6124
Anya Klinginsmith, aklinginsmith@escambia.k12.fl.us; 850-469-6204

School District of Escambia County interest:

The School District of Escambia County is appealing USAC's decision to uphold reduced funding for the above Form 471 FRN. The application of USAC definitions to this contract is not accurate. "Contract Award Date" and "Contract Expiration Date" were used interchangeably with "Service Start Date" and "Service End Date" when these dates should have been delineated in accordance with the language of the contract. Should the funding discrepancy not be restored, the School District will be responsible for paying the difference, at the cost of reducing other technological connectivity initiatives.

Statement of material facts with documentation:

The School District awarded a contract to Southern Light, LLC (Service Provider) on March 25, 2014 once approval was obtained from our governing School Board. The competitive process was handled in accordance with the requirements of the E-rate program rules. A Form 471 was filed and approved for funding as written for the 2014-2015 year. Since the Agreement required the network to be built; it was not ready to start July 1st, 2014. Therefore, the first year of the Agreement was only for eleven (11) months as services began as of August 1st, 2014.

When the following E-rate funding window opened for the 2015-2016 year, the School District renewed our Agreement in anticipation as an advanced proactive measure and proceeded with filing the Form 471. The Service Period, as a result of continuing the prior year, was expected to run from July 1st, 2015 through June 30th, 2016. This particular Funding Year, our District was informed that we would be undergoing a Selective Review. During the course of that Review, we were informed that since our Agreement was written in one (1) year increments, for a total of five (5) years, we could only file with an end date in 2016, not the 2019 year date used in the first year. One other change was made by USAC as a result of the

Selective Review and that concerned the Service Period, which is the subject of this Review Request. While the Agreement was awarded on March 25, 2014 and runs in one (1) year increments, the Agreement does make a delineation on the Service Period dates, which would coincide with the Funding Year request submitted for the 2015-2016 Form 471. The award date was used to define the Service Period, which is inaccurate. The build out of a fiber network is not instantaneous and would not have been possible as of the March 25th, 2014 award date. Nor could the District have submitted a Form 471 request once it was ready in August 2014 and expect to receive funding as we would have been past the eligible window.

A synopsis of the above information is presented below with the listing of documentation supplied in support of this Review Request.

- Service Provider: Southern Light, LLC
- SPIN: 143026293
- Allowable Contract Date: March 7, 2014
- Contract Award Date: March 25, 2014
- Contract Expiration Date: Contract was written for five (5) years in one (1) year increments. Based on selective review response, we were notified that since it is subject to annual approval; it could not be listed as a full five (5) year agreement.
- Funding year:
 - Initial: August 1, 2014 - June 30, 2015
 - 2015-2016: July 1, 2015 to June 30, 2016
- 2015-2016 Service Start Date: July 1, 2015
- 2015-2016 Service End Date: Should be June 30, 2016
- Initial Pre-Discount Yearly Contract Amount: \$311,280.00
- Initial Discounted Yearly Requested Amount: \$249,024.00 (Paid to Vendor via SPI billing)
- Initial Contract Year ran from Service Start Date (August 1, 2014) through June 30, 2015, a total of eleven (11) months.

As of FY2015-2016,

- Funding for Pre-Discount Contract Amount: \$233,460.00
- Funding for Discounted Contract Amount: \$186,768.00 (Paid to Vendor via SPI billing)

Documentation Support:

1. Email between Southern Light and District with tracking information of connectivity.
2. Copy of contract with applicable dates highlighted and flagged.
3. Copy of USAC Selective Review letter regarding this issue.
4. Copy of USAC FCDL.
5. Copy of USAC Appeal Letter response.
6. USAC Glossary of Terms with applicable contract terms highlighted to correspond with the Background information provided above.

Question for review:

At this time, the School District is unaware of any FCC rule, order, or statutory provision that would apply to this Review Request. Our appeal is centered on accurate documentation and funding to support the goals of the USAC E-rate program within our schools.

Relief Sought:

The School District respectfully requests two changes be made, one, to our records on file with USAC to realign the Funding Year to run from July 1 to June 30 for the 2015-2016

funding year; and two, to restore funding in accordance with these dates to the Original Discounted Yearly Requested Amount of \$249,024.00.

Thank you for your consideration. Please do not hesitate to reach out to either individual listed above as a Contact for further information or assistance.

Sincerely,

A handwritten signature in cursive script that reads "Allison Watson".

Allison Watson
Senior Purchasing Agent

AW/ak